HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 920 of 2004 (SS)

(Old No. 5271 of 1994)

Dhannoo Lal Khore s/o Sri Bali Ram Resident of village Gadarpur Ward No. 4, P.O. Gadarpur, District Nainital

..... Petitioner

versus

1. Zila Parishad Nainital through its President.
2. Upper Mukhya Adhikari, Zila Parishad, Nainital

..... Respondents

Sri D.S. Patni, Advocate for the petitioner
Sri Ravindra Singh Bisht, Advocate for the respondents.

Dated: 14.7.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 10.11.1993, passed by the respondent no. 2.

Briefly stated the petitioner was posted at Gadarpur and on 31.7.1993 respondent no. 2 Uppar Mukhya Adhikari Zila Parishad Nainital transferred the petitioner from Gadarpur to Ramgarh. The petitioner gave a representation to Block Pramukh of Gadarpur for the cancellation of his transfer order but on 10th November 1993, suspension order was passed against the petitioner by the respondent no. 1. The petitioner moved a representation on 3.12.1993 to the respondent no. 1 through proper channel in which it was stated that petitioner

was suspended by respondent no. 1 and on 10.11.1993. The petitioner thereafter approached the respondent no. 2 to assign him work and for releasing of his salary. The representation is still pending. The petitioner has filed an affidavit and has mentioned to the following effect:

> *2. That through the aforesaid writ petition the petitioner has inter-alia prayed for a direction in the nature of certiorari quashing the suspension order dated 10.11.1993.*
>
> *3. That the Respondent No. 2 vide letter dated 2.9.1996 wrote to the petitioner that if he vacates the building/accommodation, then the suspension order will be revoked. Consequently, the Petitioner has written to the respondent that the building/ accommodation as referred is already been vacated by him. It is specifically state dthat he is not in possession of the said accommodation. A copy of the letter dated 2.9.1996 is being annexed herewith the annexed as Annexure No. 1 to this affidavit.*
>
> *4. That the petitioner has retired from service on 30.11.2002 and till date the inquiry has not been completed.*

Counsel for the petitioner has submitted that the petitioner has now retired.

In view of the above, respondents are directed to pass appropriate orders regarding revocation of suspension order of the petitioner and to pay all arrears of salary etc. as well as

retirement benefits to the petitioner within three months after the receipt of the certified copy of this order.

Accordingly, writ petition is allowed. No order as to costs.

Dated: 14.7.2006 **Rajesh Tandon, J.**

*Dhyani